



“THE ROLE OF THE COURT IN THE REGION’S
SOCIO-ECONOMIC DEVELOPMENT.”



ADDRESS

BY

THE HON. DAME JANICE M. PEREIRA, DBE

CHIEF JUSTICE

TO MARK

THE OPENING OF THE LAW YEAR 2013 /2014

17th September 2013

Territory of the Virgin Islands

- Justices of Appeal, Judges and Masters of the ECSC;
- Your Excellency, Boyd McCleary, CMG CVO, Governor of the Territory of the Virgin Islands, and Honorable Heads of State of each of the OECS Member States and Territories;
- Hon. Dr. Orlando Smith, Premier of the Territory of the Virgin Islands and Honourable Heads of Government of each of the OECS Member States and Territories;
- Retired Judges of the Eastern Caribbean Supreme Court;
- Honourable Dr. Christopher Malcolm, Attorney General of the Territory of the Virgin Islands, and Hon. Attorneys General and Ministers of Justice & Legal Affairs of each of the OECS Member States and Territories;
- Honourable Ministers of Government of the Territory of the Virgin Islands and of each of the OECS Member States and Territories;
- Chief/Senior Magistrates and Magistrates of the OECS;
- Honourable Speakers of the Houses of Representatives, Presidents of Senates and Members of Parliament of each of the OECS Member States and Territories;
- Honourable Leaders of the Opposition of the OECS Member States and Territories;
- Director General, OECS
- Directors of Public Prosecutions of each of the OECS Member States and Territories;
- Solicitors General of each of the OECS Member States and Territories;

- The Chief Registrar, Deputy Chief Registrar, Registrars, as well as Deputy and Assistant Registrars of the Eastern Caribbean Supreme Court;
- The Court Administrator, and the Director of Projects;
- The President of the OECS Bar Association Mr. Ruggles Ferguson, President of the Bar Association of the Territory of the Virgin Islands , Ms. Arabella Di Iorio, and Presidents of constituent Bar Associations of the Eastern Caribbean;
- Members of the Clergy
- Members of the Diplomatic Corp.
- Learned members of the Inner Bar of each of the OECS Member States and Territories;
- Members of the Utter Bar of each of the OECS Member States and Territories;
- Commissioner of Police Mr. David Morris and other Commissioners of Police of the other Member States and Territories, Police Officers and Heads of Correctional Facilities of the Territory of the Virgin Islands and of each of the OECS Member States and Territories;
- Staff of the various Court Offices in each of the OECS Member States and Territories;
- Distinguished Guests;
- Citizens and residents of the Eastern Caribbean:

Good Morning.

It is indeed an honour to address you on this the opening of the law year 2013-2014. It seems like it was not too long ago that I was presenting my first address as Acting Chief Justice. Now the time is here again, and the feelings of euphoria which I possessed then are brought back to memory on this occasion. It pleases me immensely, and I am humbled to have the opportunity to address you from my homeland, the Territory of the Virgin Islands. (It occurs to me that this unique opportunity may not present itself for another nine (9) years.) I am also gratified that this address is being carried live via simulcast to the other Member States and Territories within the jurisdiction of the Eastern Caribbean Supreme Court.

On 27th February 2013 the Eastern Caribbean Supreme Court celebrated its 46th anniversary of existence. This is indeed an accomplishment of which we as citizens of the OECS should all be proud! When I look back at our Court, from its establishment in 1967 to the present, it is evident that the Court’s growth has been synonymous with our region’s development. The creation of the Court in 1967 established a pivotal institution which, along with a number of others, would be critical to the provision of stability for the region’s socio-economic development, by ensuring the prerequisites of justice, law and order are maintained. Through the advancement of our jurisprudence, the combination of legislation and common law principles have an ineffaceable impact which positively influences our social and economic development. Every facet of our being is affected by the quality

of the performance of the justice system in our society. Laws are needed not only to maintain order and protect the rights of citizens but also to provide incentives to foreign investors encouraging them to invest in our territories. There is no doubt that the Court was established to be a driving force for our region’s socio-economic development.

Who would have thought that some 40 years later “Justice, Law and order” would have featured so prominently in the lexicon and indeed the text of the revised Treaty of Basseterre whose major thrust seems to have been the promotion of OECS economic integration buttressed by the wider CARICOM initiative with its single market economy? Like the framers of the Revised Treaty of Chaguaramas establishing CARICOM and the CSME), who recognized the importance of the Caribbean Court of Justice (CCJ), the architects of the revised Treaty of Basseterre have equally acknowledged the importance of the ECSC in the economic integration of the OECS. Similarly, it is no surprise that the Treaty establishing the Council of Legal Education between contracting Caribbean states recognizes and is premised on the need for a scheme of legal education as an instrument of orderly social and economic change in the region. Justice, law, and order are therefore essential preconditions to growth and economic development within the context of any democratic society or economic union. It must be acknowledged however that the stage for occupying a single space had already been set in motion by the establishment of a regional court under the aegis of the Supreme Court Order in 1967, at the time when our Member States which were in

association with the United Kingdom, were moving to full independence. The ECSC occupies as a matter of law, a single judicial space. There can be no doubt as to its pride of place, along with such institutions as the ECCB/ECCU in fostering economic union and development among Member States and Territories. It is also worthy of note that the Revised Treaty of Basseterre establishing the OECS Economic Union, provides for a jurisdiction in respect of the ECSC Court of Appeal in relation to disputes arising under the provisions of the Treaty.

The World Bank has for several years undertaken studies which looked at the ease of doing business in various countries around the world, including some of our Member States, and provided a ranking of these countries. Among the criteria examined are, the protection of the investor and enforcement of contracts. The role of the Court in these two areas is pivotal to ensuring investor confidence as it is a well-recognized and accepted view, that foreign investment is an essential catalyst for our development.

Recognizing that an effective judicial system is at the core of all social and economic development, the Court consistently strives for *“the achievement of professionalism and excellence in the timely, effective and efficient access to, and administration of a cohesive, independent and accountable system of justice for the benefit of its Member States.”*

For the last 46 years, the Court by providing *“access to a system of justice that is accountable and independent”* has performed its role creditably in our region’s economic/social growth and development. It is this realization that has informed the central feature of my address today which is entitled

"The Role of the Court in the Region's socio-economic development."

This 46-year milestone was not attained in the absence of adversity and numerous challenges. The Court has had to operate amidst a myriad of constraints which impacted negatively on the very core of its mission and vision. You may recall that in my address last year, I focused on the role of the court in *"Improving Efficiency and Integrity in the Administration of Justice in Times of Economic Adversity"*. In that address I noted that the Court's stance in challenging times is not to despair and take a passive approach. Instead, we have reaffirmed our commitment to the people of this region to ensure that despite the economic hardships with which we are faced, we must find creative and innovative ways to live up to our mandate. We are aware that the Court is too vital an institution for us to sit idly by and watch the times and circumstances determine our fate.

Justice Oliver Wendell Holmes in his treatise *"The Common Law"* wrote:

"The life of the law has not been logic, it has been experience... The felt necessities of the time, the prevalent moral and political theories, intuitions of public policy, ... have had a good deal more to do than the syllogism in determining the rules by which men should be governed. The law embodies the story of a nation's development through many centuries and it cannot be dealt with as if it contained only the axioms and corollaries of a book of mathematics. In order to know what it is, we must know what it has been, and what it tends to become."

This expresses succinctly the significant contribution of the Court to the process of social and economic development of our region. When Justice Holmes refers to the law as the embodiment of a nation’s development, his views were not dissimilar to those of development economists such as W.W. Rostow and our very own Sir Dwight Venner who view justice, law and order as prerequisites for socio-economic development.

Sir Dwight Venner, in his presentation at the 2007 ECSC Annual Judicial Conference entitled *“Justice, Law and Order: A prerequisite for socio-economic development in the OECS”*, stated:

“The logic underpinning law and economics would... imply that if the legal arrangements governing society changes, then economic performance will be affected. The law can affect economic development through the effectiveness and clarity of its exposition and/or the efficiency of its administration.”

This statement, though simple in its expression, is one of profound significance in the context of the positive growth and development of any nation.

Many persons view value only in monetary terms, and measure it primarily in terms of tangible areas such as industry and commerce and the benefits derived from them. As a result, focus is placed on developing these areas, with the expectation that the returns which are yielded will be sufficient to enhance the country’s socio-economic development. Unfortunately, the judicial system is not viewed by most, as being integral to the country’s socio-economic development and thus the vital contribution that the court makes to the economy of the state may be underestimated. The reality is that economic and social development

depends on an effective legal system, which is just as pivotal to a country’s growth and development as any financial institution. In this vein, I am heartened by a statement made in respect of the Virgin Islands in the Welcome Magazine (August/ September 2013) issue. The Government’s International Financial Centre lists as one of the ‘Advantages of the BVI’ “An internationally renowned commercial court”. This demonstrates the recognition of the clear link between economic prosperity and the justice system.

George Washington posited that *“The administration of justice is the firmest pillar of government.”* In his wisdom he recognized that the justice system is the mechanism that upholds the rule of law - the very framework which makes prosperous and fair societies possible. The rule of law is an important determinant of socio-economic development. We must all be advocates of the importance of the judiciary in the development process and promotion of the rule of law. The ECSC has ensured the continued upholding of the rule of law by providing an avenue through which disputes can be settled fairly, the fundamental rights of persons protected and respected, and justice is accessible to all. The age old adage that “justice is blind” rings true in our society where the judiciary has no regard to the politically motivated wishes of the legislature or the burden of public opinion, particularly in challenging times. The ECSC can boast of having done so competently, independently and fearlessly, without bias or favouritism.

Our Court holds in high regard its role as the bastion for the promotion and protection of the fundamental rights and freedoms held by every person in our society, from the youngest child to the oldest adult. When these fundamental rights and freedoms are threatened or violated society is negatively impacted. The Court is the avenue through which redress is obtained and balance is restored in society. The development of law has a direct impact on the values in society and the strides that we make as a region. Therefore, as with anything else, we need to ensure that the Court achieves its purpose efficiently and effectively. As a regional court the ECSC has an even greater responsibility to bear; we must therefore make it our duty to preserve this Institution and all that it represents.

Truth be told, the challenges faced by the Court impact negatively on its ability to function as efficiently and effectively as it should. This co-equal branch of government, like any other, is being buffeted by the ferocious torrents of harsh economic times. The adverse effects are felt by our Court as we strive to maximize operations even in the face of such adversity.

It was therefore necessary to undertake an examination of the role of the Court in the development process of our Member States and Territories. My predecessors, in recognizing this, had the vision to take steps to reform this Institution in order to ensure our efficiency and effectiveness in the times which lay ahead.

When one considers the trends of globalization, economic, and social development with attention to the rule of law, I believe that the time is right for us to further examine the issue of the necessary adjustments to be made which will allow us to further the advancement of justice. We need to scrutinize with great care the impediments which hamper our productivity. At the very core of these is the lack of adequate resources, (including human, financial, and physical facilities.) We must be able to find solutions to overcome these impediments and be more ready and willing to implement them. The solutions must not be short term measures, which would simply delay the collapse of our justice system with no respect for the rule of law. However to avoid the reoccurrence of these problems we must address the root of the problem and find more permanent solutions. These solutions must be envisioned not only in terms of bricks and mortar but must fully embrace the advantages of *Internet and Communication Technologies (ICT)*.

The dependence of our Court Offices on the Executive to provide needed resources and budget approvals sometimes severely hamper the everyday functioning and efficiency, thus demanding a greater level of creativity and initiative on the part of those who manage our Court Offices. This dependency gives rise to vulnerability in avoiding encroachment into the judicial sphere. We have seen an international trend of Courts moving to greater financial independence in an effort to promote and preserve judicial independence. The question must be asked, how can the judiciary, as an institution, be truly independent if it does not have some level of true

financial independence? We think that the time is right for us to undertake a critical examination of our current approach and to objectively assess whether it employs the best safeguards at our disposal for ensuring the levels of efficiency, and accountability within the framework and context of institutional judicial independence.

The time is also right to look at the structure of our court offices ... appointment, discipline and removal of the officers who staff such offices, and the functionality of such officers in an effort to attain a more cohesive structure which in turn would ensure the greater efficiency and effectiveness of these offices and instill greater public confidence in our justice system.

Being aware that the development of the law has a direct impact on the values in society and the strides that we make as a region, the initiatives embarked upon by the Court have been geared at ensuring that at all times the Court is, as far as possible, discharging its responsibilities. The duty owed to the citizens of our region is not negated by the challenges which we face. Despite the many challenges, over the past year, the Court has continued its reform initiatives. It is always fitting on occasions such as this, to provide an update of our progress and share our projections for the future.

Halls of Justice Project

The Court is cognizant of its mandate to ensure access to justice for all persons. One hindrance to achieving this is the inadequate physical structures from which we operate. The issue of proper accommodation is critical in most of our Member States and Territories. It is true to say that in several of our States the court buildings are archaic and were certainly not designed for the uses to which they have been put. Many may be properly described as being in a condition which violates basic health and safety standards. This has adversely affected the health of court office staff and our judicial officers, which has in turn led to loss in productivity. Such situations cannot be allowed to continue unchecked. The consequences to our system of justice and thus to our societies can be dire.

The provision of adequate facilities will result in reducing delays caused by the deficiencies of our current accommodations. These facilities will also create additional space to allow for more simultaneous sittings of the Court in order to decrease the backlog of cases. This would be a welcomed change since most of the present court facilities barely have adequate facilities for the present complement of judicial officers.

It is this realization which propelled my predecessors to action in devising a “Halls of Justice” project. The objective of this project is the construction of adequate state-of-the-art and fully equipped court houses in all of the Member States and Territories. This project has been in existence for a number of years now, and some progress has been achieved towards this end. The objective of this project remains unchanged; our OECS Heads of Government have expressed their support and commitment, and are

well seized of its importance and necessity. It is hoped that as far as possible, priority will be given by each Member State and Territory to its realization, irrespective of the ultimate approach adopted; since this can only be accomplished by the States and Territories through its Governments for and on behalf of its people. The Court will continue in its pursuit, through the methods appropriately available, to achieve this objective. This is a project which remains critical and one which becomes increasingly urgent with the passage of time.

It is appreciated that the generation of revenue will significantly assist the Court in its endeavour to be more efficient; in this regard we have embarked upon an examination of filing fees in the region with a view to proposing revisions. A further aim of this process is to bring about, as far as possible, a certain level of standardization in filing and user fees. This would promote equal access to justice across our single judicial space. It is hoped that such fees would bring much needed revenue which would aid in the Halls of Justice project. In the coming year the Court will continue the pursuit of this initiative by undertaking studies and financial analyses to determine the benefits to our stakeholders.

Integration of the Magistracy

Over the past few years the Court has actively been pursuing the greater integration of the Magistracy into the judiciary. With the Agreement having been signed by all the Heads of State, during the past year the

Court continued working with the individual Member States and Territories to secure the ratification of the Agreement. I am fully committed to this initiative which can prove to be a positive factor in our region’s socio-economic growth. In the meantime strides are being made by way of judicial education and other practical administrative methods which are all essential to the integration process. This process, as many may be aware, is not without its unique constitutional hurdles; therefore, in the coming year we will continue to work on this project.

Work has also commenced on the review of the operations of Coroner’s Courts in the Member States and Territories. The number of inquests which require determination by magistrates has grown significantly in most States, and concerns have been expressed about the inadequacy of legislative and policy guidelines to deal with such matters in a timely and effective manner.

COURT STRUCTURES

The social and economic conditions of a developing society are ever changing. Technological advancements in our society demand that institutions such as the court are continuously responsive to these advances by putting in place mechanisms to ensure and improve efficiency and effectiveness.

Realizing this, the Court has over the last year continued to work assiduously to create four operational divisions of the Court. I will provide an update for each Division in turn.

Criminal Division

I think that you would agree with me that the creation of a “just society” will no doubt result in a reduction of crime, which in turn will positively impact our social and economic development in the region. To achieve this, the judicial system must play its part in the effective and efficient disposition of cases in a timely manner. One such measure to assist in this regard is the establishment of a Criminal Division which will be guided by modern rules which abolish some of the traditional, less efficient procedures and replace them with more efficient processes which do not offend the rights and liberties of accused persons.

Work has continued, though at a slower pace, on the rollout of the Criminal Division in the other Member States including Grenada, St. Vincent, Dominica, Antigua, and the Territory of the Virgin Islands. This is to allow for an assessment of the efficacy of the Division and determine whether any necessary adjustments are to be made to the Criminal Procedure Rules 2008 which were promulgated in Saint Lucia where the pilot project commenced several years ago.

In the coming law year the position of “Master” will be introduced in the criminal court. It is the intention that this office will operate similarly to the Master in the civil court. The initiative has received the approval of the OECS Heads of Government at the recent meeting of the Authority in June 2013 and I am looking forward to the difference its implementation will make in our criminal justice system.

Civil Division

With the introduction of the CPR 2000, litigants have been able to take advantage of an alternative dispute resolution mechanism in the form of mediation. Over the past 12 years mediation has played an integral part in improving the flow of cases through the judicial system, assisting tremendously in reducing significant delays and backlog in civil cases by providing an alternative to the trial process.

Under our CPR, mediation is used as a voluntary form of alternative dispute resolution. Despite the many benefits of mediation, many persons fail to take advantage of the opportunity to settle disputes through this medium. Consequently, many cases continue to trial and the Court is still faced with the challenge of an over-burdened judicial system. I believe that the time is right for us to place greater emphasis on mediation by introducing the concept of automatic or mandatory mediation into our Court process. In Jamaica and Canada this approach has already been adopted on the basis that every dispute is open to mediation and one must

have a convincing reason for opting out of mediation and pursuing litigation thereby facing cost consequences. I believe there is merit in seriously exploring this approach. The time is also right to extend the mediation process to other areas, such as Family Proceedings and appropriate Criminal Proceedings, particularly in respect of juvenile justice.

I have started the process to review this and during the course of the year we will continue to work towards achieving this goal. You may be aware that we have recently started an activity to increase the number of trained Mediators in the Member States. This has been the result of a joint initiative between our Judicial Education Institute and the University of the West Indies. So far almost 60 new persons have been trained in mediation in Saint Lucia and Antigua, and over the next year training will be conducted in other Member States and Territories.

Over the past decade the increase in civil litigation has placed a tremendous burden on the court process in the High Court. Many claims which are of low monetary value get tied up in lengthy court processes for extended periods with the consequence that the cost of the process may far exceed the value of the claim. For this reason the need to increase the magistrates’ jurisdiction in civil matters is being examined. Discussions have been ongoing with Member States and Territories to review and implement changes to the jurisdiction of the magistrates’ court, in both civil and criminal matters. It is also the intention to complement the increase in

the magistrates’ jurisdiction with the introduction of rules for small claims in those courts. In the coming year the Court will focus on this initiative.

Since the introduction of the **Civil Procedure Rules (CPR)** in 2000, the Court has monitored the workings of the Rules to ensure their efficiency. The most recent amendments were made to Parts 10, 12 and 16 to remedy an unconstitutionality created by the Rules regarding a defendant’s entitlement to be heard on an assessment of damages after the entry of a default judgment. These amendments provide for a defendant in such cases to make submissions and cross-examine witnesses, a right which the defendant did not previously enjoy. The amendments came into effect on 1st February 2013.

There are other provisions of the Rules (and in some cases omissions) which are currently under scrutiny with a view to making necessary amendments. This work will continue in the upcoming year. I again take this opportunity to encourage legal practitioners to lend their assistance in this regard by submitting comments and suggestions.

Family Division

The Family Law Committee commissioned to examine the creation of a Family Division has submitted its report and the Court is now in the process of reviewing the options to decide the most appropriate way

forward. The Court is currently collaborating with the OECS Secretariat, who through their Juvenile Justice Project has provided partial funding for this project. During this law year, discussions will continue with the aim of finalizing the model based on the recommendations of the report presented by the Committee.

One of the recommendations emanating from the Committee’s Report is the preparation of Family Court Rules. The Court has secured funds from UNICEF for the drafting of these Rules. This funding will also be used to assist the government of Antigua and Barbuda with the development of the model family law legislation under the OECS Secretariat Family Law Project. I am pleased to announce that a first draft has recently been submitted and will be circulated to stakeholders for comments shortly. It is expected that this project will be completed during this law year.

Commercial Division

Work on this Division has been ongoing following the establishment of the Commercial Division in the Territory of the Virgin Islands which has, to date, operated quite successfully as is evidenced by their Government’s International Financial Centre statement in the August / September 2013 issue of the Welcome Magazine which I mentioned earlier. As a result of the highly specialized nature of this Division, we have been working with individual Member States who are highly dependent on this area of operation for their national economies and who are prepared to make the

level of financial commitment which is necessary for this Division to operate in a highly efficient manner. Three of the Member States which have expressed an interest in establishing a Commercial Division of the Court and with whom discussions have commenced are Nevis, Antigua & Barbuda, and Saint Lucia.

Information and Communication Technology (ICT)

There is no question that E-technology has advanced life as we know it, and our Member States and Territories have gained much benefit from its use. Our region is keeping up with the technology world at large in many facets of our existence and this includes the Court, which has made significant strides in the use of technology.

Over a decade ago the Court sought to improve its efficiency, and continues to do so, through the use of its Judicial Enforcement Management System (JEMS) Software. JEMS forms an integral part of our judicial process, and is being utilized in all of our Member States and Territories in the Supreme Court and the Magistrates Court.

From October 2012 - May 2013 the Court provided *JEMS training workshops* to over 220 court staff throughout the Member States and Territories in an effort to ensure the effective utilization of JEMS at the court offices in the Sub-region.

During the past year, the Court introduced the internet version of our Judicial Enforcement Management Software (JEMS) referred to as **Amanda JEMS**. This was introduced as a pilot at the Court of Appeal Registry in February 2013. The introduction of Amanda JEMS has exposed the Court to a new realm of possibilities, thereby enhancing our ability to dispense justice in a timely and efficient manner through greater access to information. The JEMS software can now be used at any court office and courtroom in the sub-region to access information on Court of Appeal matters, with the only requirement being internet access and a PC. In the coming year we will begin the move to **Amanda JEMS** in other Member States and Territories to allow officers access to information on High Court and Magistrate’s Court matters.

Also aimed at enhancing our efficiency, video conferencing facilities are now being used by the High Courts in all of our Member States and Territories. During the past year *facilities* were installed at the Magistrates Courts in Dominica and St. Kitts, making a total of four States; installations having already been done in Saint Lucia and Saint Vincent & The Grenadines last year. Similar facilities were also installed at the Bordelais Correctional Facility, in Saint Lucia. I wish to place on record my sincere gratitude to the British High Commission for providing financial assistance for establishing these facilities. Plans are already at an advanced stage of development for providing additional video conferencing facilities in Grenada, St. Vincent and the Grenadines, Antigua and Barbuda, and Dominica. With all of these facilities in place litigants from anywhere in

the world will be able to participate in Court Proceedings without the need to constantly travel to attend Court. The technology truly facilitates greater access to justice for vulnerable witnesses, the international litigant and the business community at large.

One of the major hurdles that we have been battling with in the region is the timeliness of the preparation of Transcripts. Realizing the negative effect which this has on the Court’s efficiency, we have embarked on a project geared at providing our courts with an efficient and cost effective avenue for the timely preparation of transcripts. This is an initiative which requires the collaboration and cooperation of the stakeholders in order to achieve success. In the coming law year the Court will continue to implement the various components, in an effort to evaluate the effectiveness of the initiative. We have commenced work with two of our Member States, namely Antigua & Barbuda and St. Kitts & Nevis, on this initiative.

Another achievement of which this court is very proud is the launching of our new and improved website. This launch which coincided with the Court’s 46th anniversary celebration, revealed a more user friendly website with many advanced features including an enhanced judgment search facility. It is still a work in progress, but we invite you to share in this experience with us and visit our website at www.eccourts.org where a wealth of information awaits you. Furthermore, we would be happy to receive your recommendations on how the browsing experience can be enhanced.

Over the past year, efforts continued to get the e-filing project off the ground. Unfortunately despite the best efforts of our IT Department we have not yet been able to get this project going.

The critical importance of the ability to conduct E-Filing in our Court (which is a regional one), cannot be overly emphasized. This is a key area of technology which must be seized and utilized as it has the positive potential of revolutionizing court filings and management processes. It would result in considerable costs saving measures; not to mention the level of speed and efficiency which it can bring to the process. This technology, in my view, brings us that much closer to truly enjoying a single judicial space, unbound and unlimited by divides of land, sea and air. This technology is one which is completely embraced by the Court ... and we are committed to ensuring full implementation and utilization of it sooner rather than later.

Judicial Education Institute

The Judicial Education Institute (JEI) continues to play a major role in the education and training of our judicial officers and staff of the Court. The past few years have seen a decrease in the number of training activities which are organized by the JEI, due to limited available funding.

However during the last law year the JEI organized three major training activities. The first was the Annual Judicial Conference for the judges of the

ECSC from the 18th – 19th October 2012 at the Bay Gardens Beach Resort and Spa in Saint Lucia. Also participating in this conference were judges and masters representing the judiciaries of Barbados and Jamaica.

The Conference focused on issues of environmental law and explored areas such as the challenges which these pose in our Member States and Territories individually and collectively. We are all aware of the socio-economic impact that ecological changes are having on our society. We therefore thought it prudent to assist our judges in developing a better understanding of the effect which international environmental law has on our Member States and Territories and how effectively these principles can be applied in our decision making processes.

I am grateful to the sponsors of this event, two offices of the United Nations Environmental Program [UNEP]:

- (i) UNEP Jamaica, a Global Environmental Facility funded regional project entitled Testing a Prototype Caribbean Regional Fund for Wastewater Management in the Wider Caribbean (GEF- CReW); and
- (ii) UNEP Panama, an international inter-governmental organization established by the General Assembly of the United Nations, represented by the Division of Regional Cooperation, through its Regional Office for Latin America and the Caribbean (ROLAC)

The second training activity organized by the JEI was the Registrars and Court Administrators Conference under the theme “The Registry as the Gateway to the Court”, held in Saint Lucia from 18th – 20th June 2013. This Conference was geared towards improving the efficiency and effectiveness of the Registrars and Court Administrators by providing them with training on the practical aspects of their duties; and was funded by the individual Member States and Territories who supported the participation of their respective officers. The facilitators of the Conference were individuals well trained in the areas of law, public administration, human resources and management; areas all critical to the Court Registry and the socio-economic development of the region.

A third major activity which took place in August 2013 was a Magistrates’ Conference on Juvenile Justice. This introduced and sensitized Magistrates to concepts of Diversion and Restorative practices which can play a key role in reducing juvenile delinquency and recidivism. The introduction and implementation of such practices are key considerations in the sustainability of our regions socio-economic growth. On this activity, the JEI partnered with the OECS Secretariat Social and Sustainable Development Division. The conference was funded by the OECS / USAID Juvenile Justice Reform Project and UNICEF. We are very grateful to our partners and the donor agencies for their assistance in putting on this programme which was timely and relevant.

The Court was also fortunate to have had the benefit of some of our judicial and legal officers participating in a Civil Recovery Advocacy Workshop and Conference in the Commonwealth of Dominica from 29th – 30th July 2013. Officers were exposed to aspects of civil recovery legislation which is currently being drafted in a number of Member States and Territories in our jurisdiction and has already been introduced in Dominica. Following the workshop in Dominica, a similar activity was held in Barbados on 31st July 2013 and some of our judges and Attorneys General in the region were able to participate.

The Judicial Educational Institute will continue to fulfill its mandate in this coming law year, to enhance the administration of justice through education and training.

I trust that from the reports provided above, albeit brief, you would have gained a greater understanding of the initiatives currently being undertaken by the Court. For a more detailed report on these initiatives I invite you to view our annual report which is available online at the Court’s website, www.eccourts.org.

Appreciation

There is no doubt that the judiciary, at all levels, is a major facilitator of our region’s socio-economic growth and we need to ensure that all

stakeholders are aware of this in order to provide the Court with the necessary resources to fulfill its role. As former US Supreme Court Justice John P. Stevens said *“It is confidence in the men and women who administer the judicial system that is the true backbone of the rule of law.”* For this reason I wish to recognize the hard work and dedication of the many persons who throughout the year have worked indefatigably to assist the Court in carrying out its mandate.

To the Judges of the Court of Appeal and the High Court, and Masters; I applaud the contribution which you have made to developing our jurisprudence in keeping with our constitutions and other legislative frameworks, playing your part to uphold the values in our society and contributing to its growth and maturity.

To the Magistrates, Registrars, and the staff of the Court’s Headquarters, the High Courts and Magistrates Courts of the Member States and Territories; I say thank you. Thanks for your time, your due diligence, and assiduous efforts to ensure that the Court performed its role in dispensing justice.

As in previous years, during the last law year a number of retired judges and Attorneys-at-law keenly provided assistance to the Court in the execution of our duties. These persons are Retired Justices Albert Redhead, Don Mitchell, QC, Lionel Jones, SC, CMT and Wesley Alexander James; Attorneys-at-law Sir Clare Roberts KCN, QC, Mr. Sydney Bennett, QC, Mr.

Paul Webster, QC, Mr. Tyrone Chong, QC, Mr. John Carrington, QC, Mr. Paul Dennis, QC, Mr. John Benjamin, QC, Mr. Gerhard Wallbank, Mrs. Cynthia Combie-Martyr, Mr. Thomas Astaphan, Mr. Septimus Rhudd, Mr. Kelvin John, Ms. Yvette Wallace, Ms. Cheryl Debra Burnette, Mrs. Veronica Barnard, Mrs. Karen de Freitas-Rait, and Mr. Charlesworth Tabor. I would like to express my gratitude to those persons for their willingness to assist the Court whenever called upon to do so and the proficiency with which they executed their duties.

Our retired judges, albeit having made exceptional contributions to the region’s jurisprudence during their earlier years, have always been willing to answer the Court’s clarion call. I pause here to make mention of one such person ... Justice Monica Joseph; the first female judge to be appointed to the Eastern Caribbean Supreme Court. Although she did not serve during the last law year, she has conscientiously filled the role of acting judge on several occasions. Earlier this year, Justice Joseph was among seven Grenadians named on the Queen’s Birthday Honours List for 2013. She was awarded the prestigious honour of **Dame Commander of the Most Excellent Order of the British Empire (DBE)** by Her Majesty Queen Elizabeth II for her service to the public and the law ... a well deserved honour. Congratulations Dame Monica!

Bereavements

It was with great sadness that we at the ECSC mourned the passing of our prominent jurist, Retired Justice Satrohan Singh who passed away on 24th April 2013.

Justice Singh was endowed with a luminous legal career which led him to hold many posts including Registrar of the High Court, Magistrate, High Court Judge and his last position before retirement which was Justice of Appeal from 1991-2003.

Justice Singh served this Court and this region with great distinction and has left behind a legacy of sound decisions which have played a significant role in shaping our jurisprudence. We are grateful to this legal luminary for the contribution he has made and extend our deepest condolences to his family.

Conclusion

In closing, I would like to thank the many persons who contributed to the success of today’s proceedings via simulcast to all the Member States and Territories. In addition to the hard-working staff from the Information Technology Department at the ECSC Headquarters, these persons include

the Staff of JTV (BVI) who facilitated the web streaming, as well as LIME in the Territory of the Virgin Islands and the other Member States. I would also like to make special mention of the efforts of Mr. Vincent Jardine for all of his assistance with the arrangements for the simulcast.

To the resident judges, masters, registrars and staff of the Court offices of all our Member States and Territories I extend my gratitude for ensuring that the various activities were carried out in your usual proficient manner.

Special appreciation is extended to the Authority, the Heads of Government of the OECS for your continued unwavering support to this arm of government enabling us to further the cause of justice in our region.

I wish to extend special commendation to the Commissioners of Police and Police Officers of our Member States and Territories for your work in the pursuit of justice not only with the Court but in our societies at large.

To the Honorable Attorneys General, Directors of Public Prosecution, Presidents of the Bar Associations, Attorneys-at-law, and all government departments and agencies, I remain grateful to you all for your support to the judiciary and our cause.

May I also thank Father Branch for that insightful message this morning. It calls for thoughtful and sober reflection.

Finally to everyone within the sound of my voice, whether it be here in the Territory of the Virgin Islands, or in the other Member States and

Territories, or in any other part of the world, I thank you for your willingness to mark this occasion of the opening of the law year with us.

It is with great confidence in our justice system and everything which it stands for that I express my assurance that as we go through this new law year we will remain steadfast to our mandate of providing an efficient and effective justice system for our region’s continued development.

As we continue striving for a just society, may we all remember the words of the prophet Micah. – *“ what does the Lord require of you, but to do justice, love kindness, and walk humbly with our God.”*

May God bless you all.